

1 DEMAS YAN  
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5 Plaintiff in Pro Se

6 UNITED STATES BANKRUPTCY COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8 OAKLAND DIVISION

9 In re: Tony Fu,

10 Debtor.

Bankruptcy Case No.: 17-41205 CN

AP # 17-04056

DECLARATION IN SUPPORT OF MOTION  
FOR NEW TRIAL OR ALTERNATIVELY  
FOR AMENDMENT OF JUDGMENT [Fed.  
R. Bankr. P. 9023]

11 Thai Ming Chiu, Demas Yan,  
12 Plaintiffs,

v.

13 Tony Fu,  
14 Defendant.

Date: 6/3/2019

Time: 10 am

Judge: Charles Novak

Ctrm: 215

Trial: January 8-9, 29-30, 2019

15 I, DEMAS YAN, declare:

- 16
- 17 1. The audio recording of Thomas Tucker's 911 call (Ex. W) was admitted by the  
18 court as evidence. In the audio recording, which was played in open court during  
19 trial on January 30, 2019, Mr. Tucker clearly stated, as to the two assailants, that  
20 "I couldn't really tell their age." The Court stated in its Statement of Decision that  
21 Mr. Tucker said that the two assailants were teenagers not middle aged men that  
22 Tony Fu and Martin Eng were.
  - 23 2. There now exists new facts that would materially affect outcome of trial. These  
24 facts are confidential in nature and were not available during or before trial. I  
25 hereby ask the court to provide guidance as to how to present these new facts  
26 for purpose of this motion without violation of confidentiality.

27 I declare under penalty of perjury that the foregoing is true and correct.  
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Dated: 4/10/2019  
By: /s/DEMAS YAN

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